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**VIA ECF**

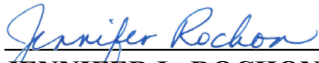
February 10, 2025

Honorable Jennifer L. Rochon  
United States District Judge  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

Defendants' request to supplement his prior sentencing submission is GRANTED.

Dated: February 13, 2025  
New York, New York

**SO ORDERED.**

  
**JENNIFER L. ROCHON**  
United States District Judge

**RE: *United States v. Mark Grayson*, 18 Cr. 645 (JLR) & 23 Cr. 614 (JLR)**

Dear Judge Rochon:

On behalf of Defendant Mark Grayson, I write to respectfully seek leave to supplement prior counsel's sentencing submission (Dkt. 67), pursuant to Rule 7(b) of Your Honor's Individual Rules of Practices in Criminal Cases.

As Your Honor is aware, I was appointed to represent Mr. Grayson on the eve of sentencing, after his prior counsel and the Government had already filed their sentencing submissions. Since prior counsel filed a sentencing submission on Mr. Grayson's behalf on December 11, 2024, Mr. Grayson received the following:

- A revised Presentence Investigation Report ("PSR II")<sup>1</sup> clarifying that the U.S. Probation Office's ("Probation") two-level adjustment for "obstruction of justice" is actually an enhancement for "reckless endangerment" under U.S.S.G. § 3C1.2;
- An amended Violation Report from Probation, dated December 14, 2024, regarding the pending Violations of Supervised Release in Case No. 18-cr-0645 (the "VOSR"), adding a ninth specification and recommending a 14-month sentence to run consecutively to any other sentence of imprisonment; and
- The Government's letter response to Mr. Grayson's December 13, 2024 request to adjourn sentencing, dated December 16, 2024 (Dkt. 74), which indicates that the Government intends to recommend a 14-month sentence for the VOSR, to run consecutively with Mr. Grayson's sentence for the underlying conviction, "[i]f the Court finds that the defendant committed Specification Nine."

We also have now had the opportunity to meet with Mr. Grayson on many occasions, both in person and by video conference, and we now have a much clearer sense of direction from him. In light of these developments, I believe it is necessary to supplement prior counsel's sentencing submission to address the applicability of the reckless endangerment enhancement and the

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<sup>1</sup> Although PSR II was revised on December 10, 2024, Mr. Grayson informs us that he did not receive a copy until after his prior counsel filed a sentencing submission on his behalf.

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appropriate sentence for the VOSR, as neither issued was briefed by prior counsel. I hereby request leave to file the attached proposed supplemental sentencing submission (Exhibit A).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Danya Perry", is written over a horizontal line.

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*Attorney for Defendant Mark  
Grayson*